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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-eighth session
6–23 March 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

BANGLADESH

1. The Committee considered the seventh, eighth, ninth, tenth and eleventh periodic reports of Bangladesh, which were due on 11 July 1992, 1994, 1996, 1998 and 2000, respectively, at its 1457th and 1458th meetings (CERD/C/SR.1457 and 1458), held on 19 and 20 March 2001. At its 1462nd meeting (CERD/C/SR.1462), held on 22 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume the dialogue with the State party and appreciates the report submitted by the State party, prepared largely in accordance with the guidelines for the preparation of reports. It is noted that the report is significantly more elaborate and informative than the previous reports of the State party. The Committee further appreciates the additional information provided orally by the delegation in response to the wide range of questions asked by the Committee members.

B. Positive aspects

3. The Committee notes with interest the recent steps taken with a view to strengthening the institutional framework for the protection of human rights, i.e. the envisaged establishment of an independent National Human Rights Commission and an Office of the Ombudsman.

4. The Committee welcomes affirmative action programmes undertaken to ensure the enjoyment of the rights contained in article 5 (e) of the Convention by the socially and economically disadvantaged groups, in particular the tribal population of the Chittagong Hill Tracts.

5. The Committee appreciates the signing of the 1997 Chittagong Hill Tracts Peace Accord and the implementation of certain of its provisions, such as: (a) the creation of the Chittagong Hill Tracts Ministry; (b) the establishment of the Chittagong Hill Tracts Regional Council; and (c) the establishment of a Land Commission for the settlement of land issues.

6. The Committee appreciates the importance accorded by the State party to the educational curriculum as a means of spreading awareness of human rights among the population and, in particular, the emphasis given to the inclusion of human rights standards, as set out in the various United Nations Conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination.

C. Concerns and recommendations

7. Though information has been given on representation of ethnic minorities in Parliament, the Committee notes the lack of details in the report on the demographic composition of the population. The Committee reiterates its recommendation to the State party to provide in its next report information on the composition of the population. In particular, the Committee wishes to receive disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. Information in respect of ethnic minorities should cover not only the Chittagong Hill Tracts, but other areas of the country as well.

8. The Committee notes the information given about the constitutional prohibition of racial discrimination, but is concerned that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.

9. The Committee is concerned about reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment. The Committee recommends that the State party

implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

10. Notwithstanding certain positive developments, the Committee is concerned about the slow progress in implementing the Chittagong Hill Tracts Peace Accord. The Committee urges the State party to intensify its efforts in this regard and recommends that the State party provide in its next report details regarding, inter alia, the work of the Chittagong Hill Tracts Regional Council, the effective results of the work of the Land Commission, the repatriation and rehabilitation of refugees and internally displaced persons in the Chittagong Hill Tracts, the work of the Special Task Force on Internally Displaced Persons, the resettlement of Bengali settlers outside the Chittagong Hill Tracts pursuant to the deliberations of the Land Commission, and the process of withdrawal of security forces from the Chittagong Hill Tracts.

11. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term "descent" does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes.

12. The Committee is concerned about the poor living conditions in the refugee camps for Rohingyas, and recommends that the State party suitably address the situation pertaining to refugees.

13. In view of the increasing problem of trafficking in persons, particularly women and children, in South Asia, including Bangladesh, which may entail violations of the provisions of the Convention, the Committee requests the State party to provide in its next report information on efforts made in Bangladesh to address the ethnic dimensions of migration and trafficking in persons.

14. In connection with the implementation of article 7 of the Convention, the Committee encourages the State party to continue to take steps to strengthen awareness about human rights in general, and the Convention in particular, through education. It further recommends that the State party undertake training in the provisions of the Convention in the training programmes of law enforcement officials.

15. The Committee requests the State party to provide in subsequent reports, inter alia, information about jurisprudence relating specifically to violations of the Convention, including the awarding by courts of adequate reparation for such violations.

16. The State party is also invited to provide in its next report further information on the steps towards establishing an independent National Human Rights Commission and an Office of the Ombudsman.

17. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

19. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

20. The Committee recommends that the State party's next periodic report, due on 11 July 2002, address all points raised in the present observations.